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Attorneys for Software AG, Inc.
and Software AG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOFTWARE AG, INC. and SOFTWARE
AG,

Plaintiffs,

-against-

CONSIST SOFTWARE SOLUTIONS,
INC. f/k/a CONSIST INTERNATIONAL,
INC. and NATALIO FRIDMAN,
Defendants.

Case No. 08 CV 00389 (CM) (FM)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Declarations of Linda Kibblewhite and Frank M. Gasparo and the exhibits annexed thereto and upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Sanctions Pursuant to Fed. R. Civ. P. 37 submitted herewith, Software AG, Inc. ("SAGA") and Software AG ("SAG") (collectively "Software AG") shall move this Court at 500 Pearl Street, New York, New York 10007, on a date to be set by the Court, for an Order imposing sanctions on Defendants pursuant to Rule 37 of the Federal Rules of Civil

Procedure, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
February 13, 2008

Respectfully submitted,

By: /s/ James David Jacobs

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